

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against,

12 **KARL S. BUEKERS, M.D.**
13 121 Hawkins Place, #382
Boonton, NJ 07005

14 Physician's and Surgeon's Certificate No. C 53172
15 Respondent.
16

Case No. 800-2015-012813

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

17 FINDINGS OF FACT

18 1. On or about October 5, 2015, Complainant Kimberly Kirchmeyer, in her official
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer
20 Affairs, filed Petition to Revoke Probation No. 800-2015-012813 against Karl S. Buekers, M.D.
21 (Respondent) before the Medical Board of California (Board).

22 2. On or about February 27, 2008, the Medical Board of California (Board) issued
23 Physician's and Surgeon's Certificate No. C 53172 to Respondent. The Physician's and Surgeon's
24 Certificate expired on April 30, 2011, and has not been renewed. A copy of the Petition to
25 Revoke Probation, the related documents, and Declaration of Service are marked as Exhibit A
26 and are included within a separately filed evidence package in support of the Default Decision
27 and Order.

28 3. On or about October 5, 2015, Dianne Richards, an employee of the Complainant

1 Agency, served by Certified and First Class Mail a copy of the Petition to Revoke Probation No.
2 800-2015-012813, Statement to Respondent, Notice of Defense, Request for Discovery, and
3 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
4 with the Board, which was and is 121 Hawkins Place, #382, Boonton, NJ 07005. A copy of the
5 License Certificate Exhibit B and are included within a separately filed evidence package in
6 support of the Default Decision and Order.

7 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c).

9 5. On or about March 24, 2011, Christina Valencia, a management service technician
10 for Probation Unit-North received a letter from respondent indicating that he had no plans on
11 returning to California and that he would not be renewing his medical license. On February 27,
12 2012, August 22, 2013 and May 6, 2014, Ms. Valencia repeatedly wrote to respondent informing
13 him that his license would be automatically cancelled if he lived out of state and failed to practice
14 in California for a four year period. Respondent never responded to Ms. Valencia's letters and, in
15 fact, refused her correspondence and returned her letters to her. The Declaration of Christina
16 Valencia is marked as Exhibit C and is included within a separately filed evidence package in
17 support of the Default Decision and Order.

18 6. Business and Professions Code section 118 states, in pertinent part:

19 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
20 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
21 order of a court of law, or its surrender without the written consent of the board, shall not, during
22 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
23 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
24 provided by law or to enter an order suspending or revoking the license or otherwise taking
25 disciplinary action against the license on any such ground."

26 7. Government Code section 11506 states, in pertinent part:

27 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
28 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
4 Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of Petition
5 to Revoke Probation No. 800-2015-012813.

6 8. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
8 agency may take action based upon the respondent's express admissions or upon other evidence
9 and affidavits may be used as evidence without any notice to respondent."

10 9. Pursuant to its authority under Government Code section 11520, the Board finds
11 Respondent is in default. The Board will take action without further hearing and, based on
12 Respondent's express admissions by way of default and the evidence before it, contained in
13 exhibits A, B and C, finds that the allegations in Petition to Revoke Probation No. 800-2015-
14 012813 are true.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Karl S. Buckers, M.D. has
17 subjected his Physician's and Surgeon's Certificate No. C 53172 to discipline.

18 2. A copy of the Petition to Revoke Probation 800-2015-012813 and the related
19 documents and Declaration of Service are included within a separately filed evidence package in
20 support of the Default Decision and Order.

21 3. Respondent has failed to serve a Notice of Defense.

22 3. The agency has jurisdiction to adjudicate this case by default.

23 4. The Medical Board of California is authorized to revoke Respondent's Physician's
24 and Surgeon's Certificate based upon the following violations alleged in the Petition to Revoke
25 Probation:

26 a. At all times after the effective date of Respondent's probation, Condition number 10
27 stated: "In the event respondent should leave the State of California to reside or to practice,
28 respondent shall notify the Division or its designee in writing 30 calendar days prior to the dates

1 of departure and return. Non-practice is defined as any period of time exceeding 30 calendar days
2 in which respondent is not engaging in any activities defined in Sections 2051 and 2052 of the
3 Business and Professions Code . . . Respondent's license shall be automatically cancelled if
4 respondent's periods of temporary or permanent residence or practice outside California total four
5 years . . ."

6 b. On or about March 24, 2011, Respondent wrote the Medical Board staff from an
7 address in Boonton, New Jersey, indicating that he had no plans of returning to California and
8 that he would not be renewing his California medical license. All correspondence sent to
9 Respondent from the California Medical Board staff since March 24, 2011, has been refused and
10 marked by the postal service as returned to sender.

11 c. More than four years have passed since the effective date of the Board's decision in
12 Case No. 23-2009-198722 and therefore Respondent is in violation of Condition number 10.

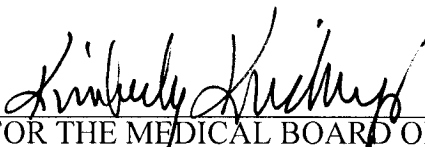
13 ORDER

14 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 53172, heretofore
15 issued to Respondent Karl S. Buekers, M.D., is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on December 24, 2015.

21 It is so ORDERED November 24, 2015 .

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23 
24 FOR THE MEDICAL BOARD OF CALIFORNIA
25 DEPARTMENT OF CONSUMER AFFAIRS
26 Kimberly Kirchmeyer, Executive Director

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1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
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3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation
Against,

Case No. 800-2015-012813

12 **KARL S. BUEKERS, M.D.**
13 121 Hawkins Place, #382
Boonton, NJ 07005

PETITION TO REVOKE PROBATION

14 Physician's and Surgeon's Certificate No. C 53172
15
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely
21 in her official capacity as the Executive Director of the Medical Board of California, Department
22 of Consumer Affairs.

23 2. On or about February 27, 2008, the Medical Board of California issued Physician's
24 and Surgeon's Certificate Number C 53172 to Karl S. Buekers, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate expired on April 30, 2011, and has not been renewed.

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3. In a disciplinary action entitled "In the Matter of Accusation Against Karl S. Buekers, M.D.," Case No. 23-2009-198722, the Medical Board of California, issued a decision, effective February 14, 2011, in which Respondent's Physician's and Surgeon's Certificate was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's Certificate was placed on probation for a period of thirty-five (35) months with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. The Board's Decision effective February 14, 2011, contains the following provision at paragraph 13: "Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Division¹, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final."

CAUSE TO REVOKE PROBATION

[Bus. & Prof. Code §2227]

(Out-of-State Non-Practice of Greater than Four Years)

7. At all times after the effective date of Respondent's probation, Condition 10 stated:
"In the event respondent should leave the State of California to reside or to practice, respondent

¹ Pursuant to Business and Professions Code section 2002, “Division of Medical Quality” or “Division” shall be deemed to refer to the Medical Board of California.

1 shall notify the Division or its designee in writing 30 calendar days prior to the dates of departure
2 and return. Non-practice is defined as any period of time exceeding 30 calendar days in which
3 respondent is not engaging in any activities defined in Sections 2051 and 2052 of the Business
4 and Professions Code . . . Respondent's license shall be automatically cancelled if respondent's
5 periods of temporary or permanent residence or practice outside California total four years . . ."

6 8. Respondent's probation is subject to revocation because he failed to comply with
7 Probation Condition 10, as referenced above. The facts and circumstances regarding this
8 violation are as follows:

9 A. On or about March 24, 2011, Respondent wrote the Medical Board staff from an
10 address in Boonton, New Jersey, indicating that he had no plans of returning to California and
11 that he would not be renewing his California medical license. All correspondence sent to
12 Respondent from the California Medical Board staff since March 24, 2011, has been refused and
13 returned to sender.

14 B. More than four years have passed since the effective date of the Board's decision in
15 Case No. 23-2009-198722 and therefore Respondent is in violation of probation.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

4 1. Revoking the probation that was granted by the Medical Board of California in Case
5 No. 23-2009-198722 and imposing the disciplinary order that was stayed thereby revoking
6 Physician's and Surgeon's Certificate No. C 53172 issued to Karl S. Buekers, M.D.;

7 2. Revoking or suspending Physician's and Surgeon's Certificate No. C 53172, issued to
8 Karl S. Buekers, M.D.;

9 3. Revoking, suspending or denying approval of Karl S. Buekers, M.D.'s authority to
10 supervise physician's assistants, pursuant to section 3527 of the Code;

11 4. Taking such other and further action as deemed necessary and proper.
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13
14 DATED: October 5, 2015


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

| | | |
|---------------------------------|---|-------------------------|
| In the Matter of the Accusation |) | |
| Against: |) | File No. 23-2009-198722 |
| |) | |
| KARL S. BUEKERS, M.D. |) | |
| |) | |
| |) | |
| Physician's and Surgeon's |) | |
| Certificate No. C 53172 |) | |
| |) | |
| |) | |
| Respondent. |) | |

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision and Order by the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 14, 2011.

DATED January 14, 2011

MEDICAL BOARD OF CALIFORNIA



Shelton Duruisseau, Ph.D.
Chair, Panel A

1 EDMUND G. BROWN JR.
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 23-2009-198722

12 **KARL S. BUEKERS, M.D.**
13 **336 Bon Air Center, #504**
Greenbrae, CA 94904
14 **Physician's and Surgeon's Certificate No. C**
53172

OAH No. 2010100156

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
21 California. She brought this action solely in her official capacity and is represented in this matter
22 by Edmund G. Brown Jr., Attorney General of the State of California, by Mara Faust, Deputy
23 Attorney General.

24 2. Respondent Karl S. Buekers, M.D. (Respondent) is represented in this proceeding by
25 attorney K. Randolph Moore, whose address is: Moore Law Firm, 332 North Second Street
26 San Jose, CA 95112

27 3. On or about February 27, 2008, the Medical Board of California issued Physician's
28 and Surgeon's Certificate No. C 53172 to Karl S. Buekers, M.D. (Respondent). The Physician's

1 and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
2 in Accusation No. 23-2009-198722 and will expire on April 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 23-2009-198722 was filed before the Medical Board of California
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 January 25, 2010. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. 23-2009-198722 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 23-2009-198722. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 23-2009-198722.

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1 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
2 discipline and he agrees to be bound by the Medical Board of California (Board)'s imposition of
3 discipline as set forth in the Disciplinary Order below.

4 CIRCUMSTANCES IN MITIGATION

5 10. Respondent Karl S. Buekers, M.D. has never been the subject of any disciplinary
6 action. He is admitting responsibility at an early stage in the proceedings. Respondent did not
7 prescribe any controlled substances and was a minor and ignorant participant in this internet
8 prescribing enterprise. No patients were endangered or harmed. The conduct charged was
9 limited to a period of not more than thirty-four (34) days.

10 RESERVATION

11 11. The admissions made by Respondent herein are only for the purposes of this
12 proceeding, or any other proceedings in which the Medical Board of California or other
13 professional licensing agency is involved, and shall not be admissible in any other criminal or
14 civil proceeding.

15 CONTINGENCY

16 12. This stipulation shall be subject to approval by the Medical Board of California.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
18 Board of California may communicate directly with the Board regarding this stipulation and
19 settlement, without notice to or participation by Respondent or his counsel. By signing the
20 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
24 action between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
27 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
28 effect as the originals.

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 53172 issued
6 to Respondent Karl S. Buekers, M.D. (Respondent) is revoked. However, the revocation is
7 stayed and Respondent is placed on probation for thirty-five (35) months on the following terms
8 and conditions.

9 1. **PRESCRIBING PRACTICES COURSE** Within 60 calendar days of the effective
10 date of this Decision, respondent shall enroll in a course in prescribing practices, at respondent's
11 expense, approved in advance by the Division or its designee. Failure to successfully complete
12 the course during the first 6 months of probation is a violation of probation.

13 A prescribing practices course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
15 Division or its designee, be accepted towards the fulfillment of this condition if the course would
16 have been approved by the Division or its designee had the course been taken after the effective
17 date of this Decision.

18 Respondent shall submit a certification of successful completion to the Division or its
19 designee not later than 15 calendar days after successfully completing the course, or not later than
20 15 calendar days after the effective date of the Decision, whichever is later.

21 2. **MEDICAL RECORD KEEPING COURSE** Within 60 calendar days of the effective
22 date of this decision, respondent shall enroll in a course in medical record keeping, at
23 respondent's expense, approved in advance by the Division or its designee. Failure to
24 successfully complete the course during the first 6 months of probation is a violation of probation.

25 A medical record keeping course taken after the acts that gave rise to the charges in the
26 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the
27 Division or its designee, be accepted towards the fulfillment of this condition if the course would

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1 have been approved by the Division or its designee had the course been taken after the effective
2 date of this Decision.

3 Respondent shall submit a certification of successful completion to the Division or its
4 designee not later than 15 calendar days after successfully completing the course, or not later than
5 15 calendar days after the effective date of the Decision, whichever is later.

6 3. PROHIBITED PRACTICE During probation, respondent is prohibited from
7 engaging in internet prescribing without a prior good faith medical examination. After the
8 effective date of this Decision, the first time that a patient seeking the prohibited services makes
9 an appointment, respondent shall orally notify the patient that respondent does not engage in
10 internet prescribing without a prior good faith medical examination. Respondent shall maintain a
11 log of all patients to whom the required oral notification was made. The log shall contain the: 1)
12 patient's name, address and phone number; 2) patient's medical record number, if available; 3)
13 the full name of the person making the notification; 4) the date the notification was made; and 5)
14 a description of the notification given. Respondent shall keep this log in a separate file or ledger,
15 in chronological order, shall make the log available for immediate inspection and copying on the
16 premises at all times during business hours by the Division or its designee, and shall retain the log
17 for the entire term of probation. Failure to maintain a log as defined in the section, or to make the
18 log available for immediate inspection and copying on the premises during business hours is a
19 violation of probation.

20 In addition to the required oral notification, after the effective date of this Decision, the first
21 time that a patient who seeks the prohibited services presents to respondent, respondent shall
22 provide a written notification to the patient stating that respondent does not engage internet
23 prescribing without a prior good faith medical examination. Respondent shall maintain a copy of
24 the written notification in the patient's file, shall make the notification available for immediate
25 inspection and copying on the premises at all times during business hours by the Division or its
26 designee, and shall retain the notification for the entire term of probation. Failure to maintain the
27 written notification as defined in the section, or to make the notification available for immediate
28 inspection and copying on the premises during business hours is a violation of probation.

1 4. NOTIFICATION Prior to engaging in the practice of medicine, the respondent shall
2 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief
3 Executive Officer at every hospital where privileges or membership are extended to respondent,
4 at any other facility where respondent engages in the practice of medicine, including all physician
5 and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every
6 insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall
7 submit proof of compliance to the Division or its designee within 15 calendar days.

8 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

9 5. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent is
10 prohibited from supervising physician assistants.

11 6. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules
12 governing the practice of medicine in California, and remain in full compliance with any court
13 ordered criminal probation, payments and other orders.

14 7. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations
15 under penalty of perjury on forms provided by the Division, stating whether there has been
16 compliance with all the conditions of probation. Respondent shall submit quarterly declarations
17 not later than 10 calendar days after the end of the preceding quarter.

18 8. PROBATION UNIT COMPLIANCE Respondent shall comply with the Division's
19 probation unit. Respondent shall, at all times, keep the Division informed of respondent's
20 business and residence addresses. Changes of such addresses shall be immediately
21 communicated in writing to the Division or its designee. Under no circumstances shall a post
22 office box serve as an address of record, except as allowed by Business and Professions Code
23 section 2021(b).

24 Respondent shall not engage in the practice of medicine in respondent's place of residence.
25 Respondent shall maintain a current and renewed California physician's and surgeon's license.

26 Respondent shall immediately inform the Division, or its designee, in writing, of travel to
27 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than
28 30 calendar days.

1 9. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent shall be
2 available in person for interviews either at respondent's place of business or at the probation unit
3 office, with the Division or its designee, upon request at various intervals, and either with or
4 without prior notice throughout the term of probation.

5 10. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent should
6 leave the State of California to reside or to practice, respondent shall notify the Division or its
7 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
8 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in
9 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

10 All time spent in an intensive training program outside the State of California which has
11 been approved by the Division or its designee shall be considered as time spent in the practice of
12 medicine within the State. A Board-ordered suspension of practice shall not be considered as a
13 period of non-practice. Periods of temporary or permanent residence or practice outside
14 California will not apply to the reduction of the probationary term. Periods of temporary or
15 permanent residence or practice outside California will relieve respondent of the responsibility to
16 comply with the probationary terms and conditions with the exception of this condition and the
17 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
18 Cost Recovery.

19 Respondent's license shall be automatically cancelled if respondent's periods of temporary
20 or permanent residence or practice outside California total four years. However, respondent's
21 license shall not be cancelled as long as respondent is residing and practicing medicine in another
22 state of the United States and is on active probation with the medical licensing authority of that
23 state, in which case the two year period shall begin on the date probation is completed or
24 terminated in that state.

25 11. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

26 In the event respondent resides in the State of California and for any reason respondent
27 stops practicing medicine in California, respondent shall notify the Division or its designee in
28 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any

1 period of non-practice within California, as defined in this condition, will not apply to the
2 reduction of the probationary term and does not relieve respondent of the responsibility to comply
3 with the terms and conditions of probation. Non-practice is defined as any period of time
4 exceeding 30 calendar days in which respondent is not engaging in any activities defined in
5 sections 2051 and 2052 of the Business and Professions Code.

6 All time spent in an intensive training program which has been approved by the Division or
7 its designee shall be considered time spent in the practice of medicine. For purposes of this
8 condition, non-practice due to a Board-ordered suspension or in compliance with any other
9 condition of probation, shall not be considered a period of non-practice.

10 Respondent's license shall be automatically cancelled if respondent resides in California
11 and for a total of two years, fails to engage in California in any of the activities described in
12 Business and Professions Code sections 2051 and 2052.

13 12. COMPLETION OF PROBATION Respondent shall comply with all financial
14 obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior
15 to the completion of probation. Upon successful completion of probation, respondent's certificate
16 shall be fully restored.

17 13. VIOLATION OF PROBATION Failure to fully comply with any term or condition
18 of probation is a violation of probation. If respondent violates probation in any respect, the
19 Division, after giving respondent notice and the opportunity to be heard, may revoke probation
20 and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke
21 Probation, or an Interim Suspension Order is filed against respondent during probation, the
22 Division shall have continuing jurisdiction until the matter is final, and the period of probation
23 shall be extended until the matter is final.

24 14. LICENSE SURRENDER Following the effective date of this Decision, if
25 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the
26 terms and conditions of probation, respondent may request the voluntary surrender of
27 respondent's license. The Division reserves the right to evaluate respondent's request and to
28 exercise its discretion whether or not to grant the request, or to take any other action deemed

1 appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender,
2 respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the
3 Division or its designee and respondent shall no longer practice medicine. Respondent will no
4 longer be subject to the terms and conditions of probation and the surrender of respondent's

5 license shall be deemed disciplinary action. If respondent reapplies for a medical license, the
6 application shall be treated as a petition for reinstatement of a revoked certificate.

7 15. PROBATION MONITORING COSTS Respondent shall pay the costs associated
8 with probation monitoring each and every year of probation, as designated by the Division, which
9 are currently set at \$3,673.00, but may be adjusted on an annual basis. Such costs shall be
10 payable to the Medical Board of California and delivered to the Division or its designee no later
11 than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due
12 date is a violation of probation.

13 ACCEPTANCE

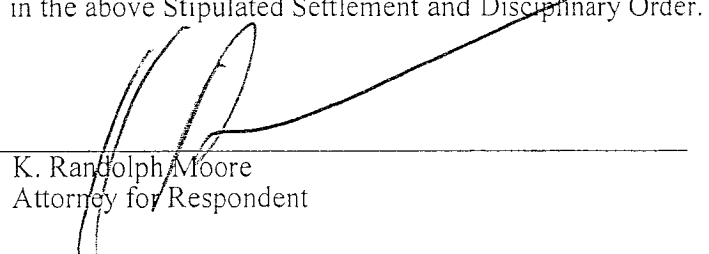
14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
15 discussed it with my attorney, K. Randolph Moore. I understand the stipulation and the effect it
16 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
18 Decision and Order of the Medical Board of California.

19
20 DATED: 11/19/2010


21 KARL S. BUEKERS, M.D.
Respondent

22 I have read and fully discussed with Respondent Karl S. Buekers, M.D. the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
24 I approve its form and content.

25 DATED: Nov 19,

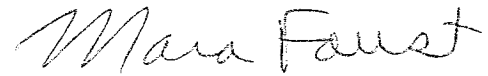

26 K. Randolph Moore
Attorney for Respondent

1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
3 submitted for consideration by the Medical Board of California of the Department of Consumer
4 Affairs.

5
6 Dated: 11/19/2010

EDMUND G. BROWN JR.
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General

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10 MARA FAUST
11 Deputy Attorney General
12 *Attorneys for Complainant*

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1 EDMUND G. BROWN JR.
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO January 25 20 10
BY William Bryan ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 23-2009-198722

13 **KARL S. BUEKERS, M.D.**
336 Bon Air Center, #504
14 Greenbrae, CA 94904

ACCUSATION

15 Physician's and Surgeon's Certificate
No. C 53172

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Barbara Johnston (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
22 2. On or about February 27, 2008, the Medical Board of California issued Physician's
23 and Surgeon's Certificate Number C 53172 to Karl S. Buekers, M.D. (Respondent). The
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
25 charges brought herein and will expire on April 30, 2011, unless renewed.

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2242.1 of the Code states:

"(a) No person or entity may prescribe, dispense, or furnish, or cause to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the Internet for delivery to any person in this state, without an appropriate prior examination and medical indication, except as authorized by Section 2242.

"(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

"(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

"(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Contingent Fund of the Medical Board of California.

"(e) If the person or entity that is the subject of an action brought pursuant to this section is not a resident of this state, a violation of this section shall, if applicable, be reported to the person's or entity's appropriate professional licensing authority.

"(f) Nothing in this section shall prohibit the board from commencing a disciplinary action against a physician and surgeon pursuant to Section 2242."

///

5. Section 4067 states in pertinent part that facilitating the dispensing of prescription drugs on the Internet for delivery to any person in this state without a prescription issued pursuant to a good faith prior examination is a violation of both the Medical Practice Act and the California Code of Regulations.

6. Section 2234 of the Code states:

"The Division of Medical Quality¹ shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

DRUGS

7. Soma, a trade name for generic carisoprodol, is a dangerous drug as defined in section 4022 of the Business and Professions Code.

8. Fioricet, a trade name for a combination of butalbital, acetaminophen and caffeine is a dangerous drug as defined in section 4022 of the Business and Professions Code.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct & Prescribing Dangerous Drugs)
[Bus. & Prof. Code §§ 2234(a), 2242.1 and 4067]

9. Respondent is subject to disciplinary action under section 2234(a), 2242.1 and 4067 in that Respondent prescribed dangerous drugs without an appropriate prior medical examination and/or medical indication over the Internet. The circumstances are as follows:

10. On or about January 29, 2009, Respondent prescribed ninety (90) tablets of carisoprodol, 350 mgs to patient G.S., after G.S. filled out a form through Internet site www.alphanet.com indicating that she had taken this medication before. There was no physical

¹ California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§ 2000, et seq.) means the “Medical Board of California,” and references to the “Division of Medical Quality” and Division of Licensing” in the Act or any other provision of law shall be deemed to refer to the Board.

1 examination done by Respondent of G.S., (the only contact being over the Internet), nor any
2 indication that G.S. was under a physician's care, nor any medical indication for the prescribing
3 of the carisoprodol. Respondent's action of prescribing the carisoprodol to G.S., a California
4 resident, constitutes general unprofessional conduct and prescribing over the Internet without a
5 good faith exam and/or medical indication.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct & Prescribing Dangerous Drugs)

8 [Bus. & Prof. Code §§ 2234(a), 2242.1 and 4067]

9 11. Respondent is subject to disciplinary action under section 2234(a), 2242.1 and 4067
10 in that Respondent prescribed dangerous drugs without an appropriate prior medical examination
11 and/or medical indication over the Internet. The circumstances are as follows:

12 12. On or about March 2, 2009, Respondent prescribed ninety (90) tablets of butalbital,
13 40 mgs to patient G.S., after G.S. filled out a form through Internet site www.alphanet.com
14 indicating that she had taken this medication before. There was no physical examination done by
15 Respondent of G.S., (the only contact was over the Internet), nor any indication that G.S. was
16 under a physician's care, nor any medical indication for the prescribing of the carisoprodol.
17 Respondent's action of prescribing the carisoprodol to G.S., a California resident, constitutes
18 general unprofessional conduct and prescribing over the Internet without a good faith exam
19 and/or medical indication.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct & Prescribing Dangerous Drugs)

22 [Bus. & Prof. Code §§ 2234(a), 2242.1 and 4067]

23 13. Respondent is subject to disciplinary action under section 2234(a), 2242.1 and 4067
24 in that Respondent prescribed dangerous drugs without an appropriate prior medical examination
25 and/or medical indication over the Internet. The circumstances are as follows:

26 14. On or about March 4, 2009, Respondent prescribed ninety (90) tablets of
27 carisoprodol, 350 mgs to patient G.S., after G.S. filled out a form through Internet site
28 www.alphanet.com indicating that she had taken this medication before. There was no physical
examination done by Respondent of G.S., (the only contact being over the Internet), nor any

1 indication that G.S. was under a physician's care, nor any medical indication for the prescribing
2 of the carisoprodol. Respondent's action of prescribing the carisoprodol to G.S., a California
3 resident constitutes general unprofessional conduct and prescribing over the Internet without a
4 good faith exam and/or medical indication.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Medical Board of California issue a decision:

8 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 53172,
9 issued to Karl S. Buekers, M.D.;

10 Revoking, suspending or denying approval of Karl S. Buekers, M.D.'s authority to
11 supervise physician assistants, pursuant to section 3527 of the Code;

12 2. Ordering Karl S. Buekers, M.D. to pay the Medical Board of California, if placed on
13 probation, the costs of probation monitoring; and

14 3. Taking such other and further action as deemed necessary and proper.
15

16 DATED: January 25, 2010


17 BARBARA JOHNSTON
18 Executive Director
19 Medical Board of California
20 Department of Consumer Affairs
21 State of California
22 Complainant

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